

Federal Defenders
OF NEW YORK, INC.

Southern District
52 Duane Street-10th Floor, New York, NY 10007
Tel: (212) 417-8700 Fax: (212) 571-0392

Barry D. Leiwant
*Interim Executive Director
and Attorney-in-Chief*

*Southern District of New York
Jennifer L. Brown
Attorney-in-Charge*

January 8, 2024

BY ECF

Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: *United States v. Adonai Luque Garay, 22 Cr. 678 (KPF)*

Dear Judge Failla,

I write on behalf of the parties to respectfully request that the Court cancel the status conference presently scheduled for January 11, 2024 at 11:00 a.m. and instead schedule a change-of-plea hearing. It is our understanding that the Court may be available for such a hearing on February 1, 2024 at 2:30 p.m. The parties consent to the exclusion of time under the Speedy Trial Act through that date, because excluding time will allow the parties to complete a safety valve proffer and finalize the terms of a plea agreement.

Thank you for your consideration of this application.

Respectfully,

/s/ Ariel Werner
Assistant Federal Defender
212-417-8700

cc: AUSA Camille Fletcher

Application GRANTED. The status conference presently scheduled for January 11, 2024, is hereby ADJOURNED *sine die* and a conference for a change-of-plea hearing is hereby SCHEDULED for **February 1, 2024, at 2:30 p.m.**

It is further ORDERED that time is excluded under the Speedy Trial Act between January 11, 2024, and February 1, 2024. The Court finds that the ends of justice served by excluding such time outweigh the interests of the public and the Defendant in a speedy trial because it will permit the parties to complete a safety valve proffer and finalize the terms of a plea agreement.

The Clerk of the Court is directed to terminate the pending motion at docket number 25.

Dated: January 8, 2024
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE